

**REMARKS**

Claims 1-15 are pending in the application; the status of the claims is as follows:

Claims 4, 9, 10, and 14 are objected to because of inconsistencies.

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,327,423 to Ejima et al. ("Ejima") in view of U.S. Patent No. 5,459,511 to Uehara et al. ("Uehara").

Claims 4, 9, 10, and 14 have been amended to make them consistent with claims 1, 6 and 11, which specify that the light-receiving element outputs light-quantity data. These changes do not introduce any new matter.

**35 U.S.C. § 103(a) Rejection**

The rejection of claims 1-15 under 35 U.S.C. § 103(a), as being unpatentable over Ejima in view of Uehara, is respectfully traversed based on the following.

Specifically, claim 1 (and claims 2-5, which depend from claim 1) recites "a first controller for controlling an exposure amount of said image pick-up element for a next frame in a sequence of photographs **based on the light-quantity data of a previous frame** output from said light-receiving element in the sequence-photograph mode." (Emphasis added.)

The Examiner noted that Ejima does not disclose that the exposure amount of the image pick-up element for the next frame in the sequence of photographs is calculated based on the light quantity data of a previous frame output, in the sequence-photograph mode. It is respectfully pointed out that Uehara also does not disclose that an exposure amount for a next frame is based on light-quantity data of a previous frame. Instead, Uehara discloses that during continuous shooting mode, for a next frame, "subject

brightness is again computed . . . and a new control aperture value [is] . . . computed.” (Uehara, Fig. 16 and col. 10, lines 60-63). The process then (after the aperture control value for the next frame has already been computed) is to compare the aperture control value for the next frame to the aperture control value of the previous frame (*see* Uehara, Fig. 16 and col. 10, lines 63-66). Previous brightness values are not used to compute the aperture control value for the next frame. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Ejima and Uehara, this combination would still fail to disclose or suggest that an exposure amount of an image pick-up element for a next frame in a sequence of photographs could be computed “based on the light-quantity data of a previous frame output.” Since the proposed combination of Ejima and Uehara fails to disclose or suggest each of the limitations of claim 1, the proposed combination cannot render obvious claim 1, or claims 2-5 which depend from claim 1.

Additionally, amended claim 4 (and claim 5 that depends from claim 4) now recites “the digital camera . . . further comprising a third controller for controlling parameters other than the charge accumulation time of said CCD, **based on the light-quantity data output from said light-receiving element.**” (Emphasis added.) The parameters other than charge accumulation time, such as quantity of light emission from flash lamp 5, are controlled based on light quantity data from the light receiving element (*see* Tanaka, Fig. 1 and pg. 10 lines 18-24). As the Examiner noted, Ejima discloses a third controller for controlling parameters other than the charge accumulation time of the CCD based on the image data output from the image pick-up element. Ejima does not disclose a third controller for controlling these other parameters based on light-quantity data from the light-receiving element. Amended claim 4, and claim 5 that depends from claim 4, is thus not rendered obvious by the combination of Ejima and Uehara, and it is respectfully requested that claims 4 and 5 be considered allowable for this additional reason.

Claim 6 (and claims 7-10 that depend from claim 6) includes the limitation “controlling an exposure amount of the image pick-up element for a next frame in a

sequence of photographs **based on the light-quantity data of a previous frame** generated by the light-receiving element if the digital camera is in the sequence-photograph mode.” (Emphasis added.) It is respectfully submitted that claims 6-10 patentably distinguish over the proposed combination of Ejima and Uehara for reasons similar to those discussed above in connection with claims 1-5.

Additionally, amended claim 9 (and claim 10 that depends from claim 9) now recites “controlling a parameter other than the charge accumulation time of the CCD controlled in accordance with the **light-quantity data output from the light-receiving element** in the other modes.” (Emphasis added.) For reasons discussed in connection with claims 4 and 5, it is respectfully requested that claims 9 and 10 be considered allowable.

Regarding claims 11-15, it is respectfully submitted that claims 11-15 patentably distinguish over the proposed combination of Ejima and Uehara, for the reasons discussed above in connection with claims 1-5.

Additionally, regarding the amended claim 14 (and claim 15 that depends from claim 14), it is respectfully requested that claims 14 and 15 be considered allowable for the same reasons as those discussed above in connection with claims 4 and 5.

Accordingly, it is respectfully requested that the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Uehara, be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

Application No. 09/354,815  
Amendment dated August 12, 2004  
Reply to Office Action of April 21, 2004

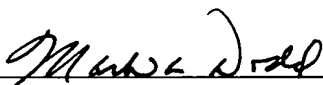
This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Mark A. Dodd  
Registration No. 45,729  
Attorney for Applicant

MAD/NK/lb:jjk:bar  
SIDLEY AUSTIN BROWN & WOOD LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3481  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
August 12, 2004